IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2479 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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ARVINDCHANDRA P MEHTA

Versus

STATE OF GUJARAT

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Appearance:

MR PV HATHI for Petitioners No. 1-4

Ms.B.R. Gajjar, Assistant GOVERNMENT PLEADER, for Respondents No. 1-2

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CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 20/12/2001

ORAL JUDGEMENT

By filing this petition, the petitioners have prayed that the Government should be directed to take a decision to dispose of by sale on hire purchase basis the quarters occupied by the petitioners in `K' Colony in the City of Ahmedabad and that the Government may be

accordingly directed to transfer to the petitioners by way of sale on hire purchase basis the respective quarters occupied by them so that they can get housing facilities. It is the case of the petitioners that they are retired government servants and the quarters, which were allotted to them while they were in service, may be given to them by way of hire purchase basis. Since at the relevant time, various Special Civil Applications were pending before this Court on the same issue, this petition was also admitted and interim relief was also granted. Accordingly, the petitioners are still occupying the quarters, which are allotted to them by the Government. However, it is not in dispute that other group of Special Civil Applications is already disposed of by this Court and all the Special Civil Applications were rejected. The matters went upto the Honourable Apex Court and ultimately, the Special Leave Petitions were also dismissed. Copy of the said order of the Supreme Court is kept on record. The Supreme Court has given liberty to the petitioners therein to make fresh representation to the State Government, with a direction that if any such representation is made, the Government shall consider the same within a reasonable time and take a decision. Accordingly, the decision of this Court rejecting all those Special Civil Applications has become final. In that view of the matter, now no relief, which is prayed by the petitioners, can be granted. Mr.Hathi, learned Advocate for the petitioners, however, submitted that the petitioners are occupying the quarters since long and in these hard days, it is difficult for them to acquire accommodation immediately and, therefore, it is prayed that the petitioners may be given reasonable time to vacate the quarter in question. Mr.Hathi further submitted that so far as petitioner No.2 is concerned, he has already vacated the quarter and has already handed over possession to the Government.

In the facts and circumstances of the case, therefore, while rejecting this Special Civil Application, I direct that so far as petitioners Nos. 1, 3 and 4 are concerned, they may not be dispossessed from their respective quarters till 31st July, 2002. The aforesaid time is given for vacating the quarters on the petitioner Nos. 1, 3 and 4 giving undertaking before this Court within a period of two weeks to the effect that they will hand over the peaceful possession to the State Government by the aforesaid date, i.e. 31st July, 2002, and, in the meanwhile, they will not transfer or alienate the premises to any one in any manner. The undertaking to be filed within a period of two weeks from today and the copy of the same may be given to the

learned AGP. The aforesaid time is given considering the fact that the petitioner Nos. 1, 3 and 4 are retired employees and considering their age and considering the fact that it may not be possible for them to procure alternative accommodation within a reasonable time. As a special case, this time is given. It is clarified that if the undertaking is not filed within the stipulated time of two weeks, then, it will be open for the Government to recover possession forthwith. However, if the undertaking, as stated above, is filed within two weeks, then the petitioner Nos. 1, 3 and 4 are permitted to occupy the said quarters till 31st July, 2002. Till the said quarters are vacated, petitioner Nos. 1, 3 and 4 shall pay the regular amount of rent / mesne profits which they are required to pay to the Government for use and occupation of the quarters.

Subject to what is stated above, this petition is dismissed. Rule is discharged with no order as to costs. Interim relief is vacated.

20th December, 2001 ( P.B. Majmudar, J. )

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(apj)